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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,681	02/03/2004	Eric Blusseau	1948-4838	4036
27123	7590	02/01/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,681

Applicant(s)

BLUSSEAU, ERIC

Examiner

Adam C. Rehm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2 and 6-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation "the areas of comfort or of breadth" in Lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-8 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by MARTIN ET AL (US 2003/0227774). MARTIN provides a headlight device (200 in Fig. 2A) comprising:
 - A luminous source/main-beam headlight/diodes (810-1/810-2/810-3 in Fig. 8) for an automobile (Paragraph 5), grouped together and having a cylinder-shaped arrangement (Fig. 2A);
 - Wherein the number of diodes being separate from each other and between 4 and 14 (1310-1 to 1310-6, Fig. 12, Paragraph 68);

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- A reflecting/mirrored surfaces (812) that reflect light with dedicated/sectionalized/matrixed reflection surfaces that are adjacent to each other (814-1/814-2/814-3, Paragraph 61, Fig. 8 and 1314, Paragraph 68, Fig. 13) having non-horizontal areas that contribute to range (Fig. 2A); and
- Wherein the switching on of one element luminous source/LED can be controlled independently of the switching on of other element luminous sources (Paragraph 80).

3. Claims 9, 10 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by CHAPMAN ET AL. (US 5,984,494). CHAPMAN provides:

- A luminous source/LEDs (28/32);
- At least one reflecting surface to reflect rays produced by the source (140, 142, Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields);
- A supplemental discharge/halogen lamp (36);
- A halogen reflector having a specific area of reflection that is dedicated to it (46, Fig. 5 illustrates a discharge lamp with a reflective surface dedicated to it); and
- Wherein the luminous source/diodes are set aside for the areas of comfort (Column 6, Line 42-Column 7, Line 12 discloses light re-directing/reflecting shields for re-directing light away from the user).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over CHAPMAN ET AL. (US 5,984,494) as applied to Claim 1 above, and further in view of JONES ET AL. (US 6,053,623). CHAPMAN discloses the invention as cited above including a halogen lamp (36), but does not disclose a xenon lamp. However, JONES teaches a system utilizing a xenon lamp for the purpose of providing a lamp that operates at lower filament temperatures, has a very white light output producing much less ultraviolet light while operating more efficiently (Column 1 Line 61-Column 2, Lines 19). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the halogen lamp of CHAPMAN and use the xenon lamp as taught by CHAPMAN in order to provide a more efficient lamp whilst achieving the other advantages as provided.

Response to Amendment

5. The new drawings filed 11/21/2005 have been received. The objection to the drawings is withdrawn and the drawings are accepted.
6. The amendment to the specification filed 11/21/2005 has been received. The objection to the specification is withdrawn.

Response to Arguments

7. Applicant's arguments filed 11/21/2005 have been fully considered but they are not persuasive.

8. Applicant argues that MARTIN does not provide LEDs that are split or associated to a matrix of reflective surfaces while referring to Figure 2a and that there are no specific reflecting areas which are dedicated to specific luminous sources. However, Figure 13 of MARTIN illustrates a plurality/matrix of reflector surfaces and Paragraph 68 specifies that each "reflective segments 1314-1 to 1314-6 are tailored to LED sources 1310-1 to 1310-6 respectively." Furthermore, it is notoriously well known in the art that the very purpose of a reflector used in combination with a light source is to reflect and manipulate light in order to fulfill a particular contribution of range, of breadth or of comfort in the production of the luminous beam (MARTIN, Paragraphs 79-80). The rejection is maintained.

9. Applicant argues that the application claims automobile headlight as opposed to aircraft headlights. In response, it is noted that the features upon which applicant relies (i.e., automobile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant claims "a headlight" and a "motor vehicle", neither of which exclude an aircraft. Moreover, the recitation "headlight" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a

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self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478. The rejection is maintained.

10. Applicant argues that in CHAPMAN, the diodes are infrared and not intended to be associated with the halogen, but to have them work alternatively in the invisible and visible fields respectively. In response, it is noted that the features upon which applicant relies (i.e., visible field, infrared and alternate operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the claims, Applicant discloses luminous source/diodes “supplemented” by the halogen/discharge/xenon lamp. Notably, the term “supplement” does not specify that the dual light sources are operating simultaneously or alternately. Broadly interpreted, the dual light sources of CHAPMAN are supplementary to each other, i.e. operate to provide improved versatility. The rejection is maintained.

11. Applicant asserts that Examiner relies on hindsight in that (1) the motivation lacks any factual reference to the references; and (2) the CHAPMAN reference is directed toward airplanes and emits invisible light. Regarding (1), motivation for combination is clearly cited in Column 2, Lines 22-29 of CHAPMAN wherein the advantages of providing a dual-spectrum headlight device are disclosed. Specifically, the dual light sources supplement each other by providing the known benefits of utilizing lamps of a first and second spectra. In this case, the increased spectrum allows a pilot to perform a normal landing via the halogen lamp or can perform a covert landing via the second

spectra/infra-red LEDs. Regarding (2), the relevance of airplanes and invisible light has been previously addressed above. Lastly, in response to Applicant's argument that Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But, so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. *In re McLaughlin*, 170 USPQ 209. Moreover and solely in light of Applicant's amendment and reorganization of claims, Examiner has eliminated the traversed combination.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. FERNANDEZ (US 6,756,893) discloses a vehicle lamp having a lamp and LEDs.
13. KRUMHOLZ (US 6,404,132) discloses a headlight device employing a xenon lamp.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
1/31/2006



THOMAS M. SEMBER
PRIMARY EXAMINER